

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAMON GUTIERREZ-PEREZ,

Petitioner,

v.

DAVID BREWER,

Respondent.

No. 2:22-cv-0643 AC P

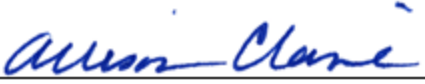
ORDER

Petitioner is a federal prisoner proceeding pro se with a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. By order filed July 12, 2022, the undersigned screened the petition and found that petitioner's claims should have been brought, if at all, in an action for damages under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), or for injunctive relief under 28 U.S.C. § 1331. ECF No. 6. Petitioner was given thirty days to either voluntarily dismiss the action or convert the petition into a complaint for damages and/or injunctive relief and cautioned that failure to do one or the other would result in a recommendation that the petition be dismissed for lack of habeas jurisdiction. Id. Thirty days have now passed and petitioner has not responded to the order in any way. Petitioner will be given one final opportunity to voluntarily dismiss the petition or file an amended complaint.

Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the service of this order petitioner shall either (1) voluntarily dismiss this action or (2) convert the petition into a

1 complaint for damages under Bivens and/or injunctive relief under 28 U.S.C. § 1331. Failure to
2 file either a notice of dismissal or an amended complaint converting this action will result in a
3 recommendation that this action be dismissed without further warning.

4 DATED: August 29, 2022

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6 ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE
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